

Sullivan, J

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JEFFREY TOBIS,

Plaintiff,

STIPULATION AND ORDER  
OF SETTLEMENT AND  
DISCONTINUANCE

-against-

07 CV 7741 (RJS)(JCF)

THE CITY OF NEW YORK, a municipal entity; MICHAEL BLOOMBERG, Mayor of the City of New York; RAYMOND KELLY, New York City Police Commissioner; DAVID COHEN, Deputy Commissioner for Intelligence for the New York City Police Department; JOSEPH ESPOSITO, Chief of Department, New York City Police Department; THOMAS GRAHAM; Commander, Disorder Control Unit, New York City Police Department; JOHN COLGAN, Deputy Chief and Commanding Officer, Pier 57; STEPHEN HAMMERMAN, Deputy Commissioner for Legal Matters, THOMAS DOEPFNER, Assistant Deputy Commissioner for Legal Matters, New York City Police Department; NYPD Special Counsel RUBY MARIN-JORDAN; JACK McMANUS, Assistant Chief, New York City Police Department; Inspector JAMES ESSIG; Inspector GERALD DIECKMANN; Inspector THOMAS GALATE; New York City Police Officer SHAWN ALLEN (Shield No. 2283); JOHN DOES 1-10, New York City Police Officers; RICHARD ROES 1-10, New York City Police Supervisors, and/or Commanders, individually and in their official capacity,

Defendants.

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WHEREAS, plaintiff JEFFREY TOBIS ("Plaintiff") commenced this action in the Southern District of New York by filing a complaint on or about August 30, 2007, alleging that defendants violated Plaintiff's civil and common law rights (the "Complaint"); and

**WHEREAS**, this action is one of many related actions stemming from activities during the 2004 Republican National Convention in New York City and consolidated for discovery before Magistrate Judge James C. Francis IV and pending before District Judge Richard J. Sullivan (the "RNC Cases"); and

**WHEREAS**, Defendants have denied any and all liability arising out of Plaintiff's allegations; and

**WHEREAS**, Plaintiff and Defendants now desire to resolve the issues raised in this litigation, including the issue of attorney's fees, without further proceedings and without admitting any fault or liability; and

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. This action is dismissed with prejudice and without costs, expenses or fees except as provided in paragraph "2" below.
2. The City of New York hereby agrees to pay Plaintiff the sum of TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$12,500.00), in full satisfaction of his claims, including all claims for costs, expenses, attorneys' fees and interest;
3. In consideration for the payment of the sum listed in paragraph "2", above, Plaintiff agrees to the dismissal, with prejudice, of all claims against all named defendants, including The City of New York, Michael Bloomberg, Raymond Kelly, David Cohen, Joseph Esposito, Thomas Graham, John Colgan, Stephen Hammerman, Thomas Doepfner, Ruby Marin-Jordan, Jack McManus, James Essig, Gerald Dieckmann, Thomas Galati, Shawn Allen, and unnamed defendants identified in the caption as "John Does 1-10 and Richard Roes 1-10," and to release all Defendants, their successors or assigns; all past and present officials, employees,

representatives and agents of the City of New York, or any agency thereof, including but not limited to, the New York City Police Department; The Hudson River Park Trust; and the New York City Health and Hospitals Corporation; from any and all liability, claims or rights of action arising from, contained in, or related to the Complaint in this action, which were or could have been alleged by Plaintiff, including all claims for attorney's fees, expenses, costs and interest.

4. Plaintiff shall execute and deliver to Defendants' attorneys all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraphs "2-3" above and an Affidavit of No Liens.

5. Nothing contained herein shall be deemed to be an admission by any of the Defendants that they have in any manner or way performed the acts or omissions alleged in the Complaint herein or that Defendants violated Plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

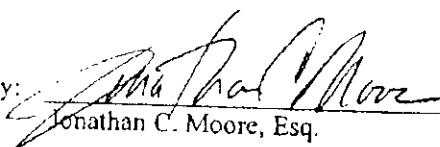
7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms

and conditions contained herein.

Dated: New York, New York  
April 8, 2008

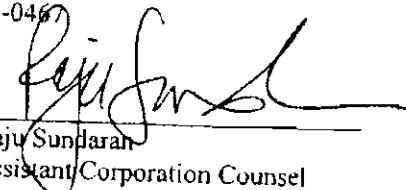
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By:

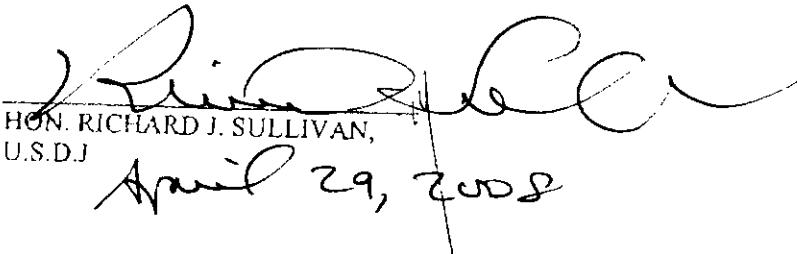
  
Jonathan C. Moore, Esq.

MICHAEL A. CARDODOZO  
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Attorney for Defendants  
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New York, New York 10007  
212-788-0467

By:

  
Raju Sundaran  
Assistant Corporation Counsel

SO ORDERED:

  
HON. RICHARD J. SULLIVAN,  
U.S.D.J.  
April 29, 2008